
TITLE 326 AIR POLLUTION CONTROL DIVISION

Final Rule

LSA Document #13-501(F)

DIGEST

Amends [326 IAC 1-1-3](#), [326 IAC 1-2-6.5](#), [326 IAC 11-6-2](#), [326 IAC 11-6-4](#), [326 IAC 11-6-6](#), [326 IAC 11-6-7](#), [326 IAC 11-6-7.1](#), [326 IAC 11-6-8](#), [326 IAC 11-9-3](#), and [326 IAC 20-95-1](#) concerning updates to references to the Code of Federal Regulations (CFR), an update to a definition, and removal of obsolete language. Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#): November 20, 2013, Indiana Register (DIN: [20131120-IR-326130501FDA](#)).

Notice of Hearing: November 20, 2013, Indiana Register (DIN: [20131120-IR-326130501PHA](#)).

Change in Notice of Public Hearing: January 29, 2014, Indiana Register (DIN: [20140129-IR-326130501CHA](#)).

Date of Hearing: April 9, 2014.

[326 IAC 1-1-3](#); [326 IAC 1-2-6.5](#); [326 IAC 11-6-2](#); [326 IAC 11-6-4](#); [326 IAC 11-6-6](#); [326 IAC 11-6-7](#); [326 IAC 11-6-7.1](#); [326 IAC 11-6-8](#); [326 IAC 11-9-3](#); [326 IAC 20-95-1](#)

SECTION 1. [326 IAC 1-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 1-1-3](#) References to the Code of Federal Regulations

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, 2014, **2013**, edition*.

*This body of documents is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 1-1-3](#); filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; filed Oct 30, 2000, 2:13 p.m.: 24 IR 667; filed May 21, 2002, 10:20 a.m.: 25 IR 3054; filed Aug 26, 2004, 11:30 a.m.: 28 IR 17; filed Oct 14, 2005, 10:00 a.m.: 29 IR 795; filed Mar 17, 2006, 1:00 p.m.: 29 IR 2517; filed Apr 26, 2007, 9:38 a.m.: [20070523-IR- 326060412FRA](#); filed Apr 1, 2008, 9:59 a.m.: [20080430-IR-326070373FRA](#); filed Jul 1, 2009, 3:12 p.m.: [20090729-IR- 326080901FRA](#); filed Oct 1, 2010, 3:49 p.m.: [20101027-IR-326100112FRA](#); filed Mar 28, 2012, 12:51 p.m.: [20120425-IR-326110472FRA](#); filed Aug 1, 2014, 10:53 a.m.: [20140827-IR-326130501FRA](#))

SECTION 2. [326 IAC 1-2-6.5](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 1-2-6.5](#) "Board" defined

Authority: [IC 13-14-8](#); [IC 13-14-9](#); [IC 13-19-3](#)

Affected: [IC 13-11-2-17](#)

Sec. 6.5. "Board" means the ~~air pollution control~~ **environmental rules** board.

(Air Pollution Control Division; [326 IAC 1-2-6.5](#); filed Jan 26, 2000, 2:03 p.m.: 23 IR 1367; filed Aug 1, 2014, 10:53 a.m.: [20140827-IR-326130501FRA](#))

SECTION 3. [326 IAC 11-6-2](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-2](#) Definitions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 2. (a) Terms used in this rule have the meaning set forth in the following definition sections:

(1) 40 CFR 60, Subpart Ce, Section 60.31e*.

(2) 40 CFR 60, Subpart Ec, Section 60.51c*. ~~as amended at 74 FR 51408, October 6, 2009.~~

(b) If a term is not defined in subsection (a)(1) or (a)(2), then the term has the meaning set forth in the CAA and 40 CFR 60, Subpart A* and 40 CFR 60, Subpart B*.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-6-2](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1964; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3078; filed Sep 28, 2011, 10:59 a.m.: [20111026-IR-326100733FRA](#); filed Aug 1, 2014, 10:53 a.m.: [20140827-IR-326130501FRA](#))

SECTION 4. [326 IAC 11-6-4](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-4](#) Emission limits

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 4. (a) The designated facility shall not exceed the emission limits specified in the following:

(1) 40 CFR 60, Subpart Ce, Table 1A*. ~~as amended at 74 FR 51405, October 6, 2009, and 76 FR 18412, April 4, 2011.~~

(2) 40 CFR 60, Subpart Ec, Section 60.52c(b)(1)*. ~~as amended at 74 FR 51409, October 6, 2009.~~

(b) The designated facility shall not exceed the emission limits, according to the compliance schedule in section 9 of this rule, specified in the following:

(1) 40 CFR 60, Subpart Ce, Table 1B*. ~~as added at 74 FR 51406, October 6, 2009.~~

(2) 40 CFR 60, Subpart Ec, Section 60.52c(b)(2)*. ~~as amended at 74 FR 51409, October 6, 2009.~~

(c) A designated facility, as defined in section 1(a)(2) of this rule, shall comply with the emission limits in 40 CFR 60, Subpart Ec, Table 1A* ~~as amended at 74 FR 51414, October 6, 2009,~~ or subsection (b), whichever applies the more stringent limit.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20401 and are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-6-4](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3079; filed Sep 28, 2011, 10:59 a.m.: [20111026-IR-326100733FRA](#); filed Aug 1, 2014, 10:53 a.m.: [20140827-IR-326130501FRA](#))

SECTION 5. [326 IAC 11-6-6](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-6](#) Waste management plans

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 6. (a) The owner or operator of a designated facility shall prepare a waste management plan as specified in 40 CFR 60, Subpart Ec, Section 60.55c*. ~~as amended at 74 FR 51409, October 6, 2009.~~

(b) The waste management plan shall be submitted to the department by the date specified in 40 CFR 60, Subpart Ec, Section 60.58c(c)*.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of ~~Air Quality~~, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-6-6](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3079; filed Sep 28, 2011, 10:59 a.m.: [20111026-IR-326100733FRA](#); filed Aug 1, 2014, 10:53 a.m.: [20140827-IR-326130501FRA](#))

SECTION 6. [326 IAC 11-6-7](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-7](#) Compliance, performance testing, and monitoring

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 7. (a) Performance tests shall be conducted and compliance shall be determined in accordance with the test methods and procedures found in 40 CFR 60, Subpart Ec, Section 60.56c*, ~~as amended at 74 FR 51409, October 6, 2009,~~ excluding the following:

- (1) Annual fugitive emissions testing requirements under Section 60.56c(c)(3)*. ~~as amended at 74 FR 51409, October 6, 2009.~~
- (2) Carbon monoxide continuous emissions monitoring (CO CEMS) requirements under Section 60.56c(c)(4)*. ~~as amended at 74 FR 51409, October 6, 2009.~~
- (3) Compliance monitoring requirements for monitoring listed in the following:
 - (A) Section 60.56c(c)(5)(ii) through 60.56c(c)(5)(v)*. ~~as amended at 74 FR 51409, October 6, 2009.~~
 - (B) Section 60.56c(c)(6)*. ~~as amended at 74 FR 51409, October 6, 2009.~~
 - (C) Section 60.56c(c)(7)*. ~~as added at 74 FR 51409, October 6, 2009.~~
 - (D) Section 60.56c(e)(6) though 60.56c(e)(10)*. ~~as added at 74 FR 51409, October 6, 2009.~~
 - (E) Section 60.56c(f)(7) through 60.56c(f)(10)*. ~~as added at 74 FR 51409, October 6, 2009.~~
 - (F) Section 60.56c(g)(6) through 60.56c(g)(10)*. ~~as added at 74 FR 51409, October 6, 2009.~~

Sources subject to the emission limits in section 4(b) of this rule may elect to use CO CEMS as specified under Section 60.56c(c)(4)* ~~as added at 74 FR 51409, October 6, 2009,~~ or bag leak detection systems as specified in Section 60.57c(h)*. ~~as added at 74 FR 51412, October 6, 2009.~~

(b) The performance testing shall also meet the requirements of [326 IAC 3-6](#), source sampling procedures, including the submittal of a test protocol not later than thirty-five (35) days prior to the intended test date. The test methods in 40 CFR 60, Subpart Ec, Section 60.56c*, ~~as amended at 74 FR 51409, October 6, 2009,~~ shall not be modified unless approved by the U.S. EPA administrator.

(c) The owner or operator of a designated facility shall comply with the monitoring requirements specified in 40 CFR 60, Subpart Ec, Section 60.57c*. ~~as amended at 74 FR 51412, October 6, 2009.~~

(d) The owner or operator of a designated facility may use the results of previous emissions tests to demonstrate compliance with the emission limits in section 4(b) or 4(c) of this rule, provided that the owner or operator follows the conditions in 40 CFR 60, Subpart Ce, Section 60.37e(f)*. ~~as added at 74 FR 51403, October 6, 2009.~~

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of ~~Air Office of Air Quality~~, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-6-7](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3080; filed Sep 28, 2011, 10:59 a.m.: [20111026-IR-326100733FRA](#); filed Aug 1, 2014, 10:53 a.m.: [20140827-IR-326130501FRA](#))

SECTION 7. [326 IAC 11-6-7.1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-7.1](#) Inspection requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 7.1. (a) The owner or operator of a designated facility shall undergo the following:

(1) An initial equipment inspection that meets the requirements specified in 40 CFR 60, Subpart Ce, Section 60.36e(a)(1) and 60.36e(a)(2)*, ~~as amended at 74 FR 51403, October 6, 2009, within one (1) year after the effective date of the 2011 amendments to this rule.~~ **by October 28, 2012.**

(2) An equipment inspection annually thereafter, but not more than twelve (12) months following the previous annual equipment inspection, as outlined in subdivision (1).

(b) The owner or operator of a designated facility shall undergo the following:

(1) An initial air pollution control device inspection that meets the requirements specified in 40 CFR 60, Subpart Ce, Section 60.36e(c)(1) and 60.36e(c)(2)*, ~~as added at 74 FR 51403, October 6, 2009, within one (1) year after the effective date of the 2011 amendments to this rule.~~ **by October 28, 2012.**

(2) An equipment inspection annually thereafter, but not more than twelve (12) months following the previous annual equipment inspection, as outlined in subdivision (1).

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-6-7.1](#); filed Sep 28, 2011, 10:59 a.m.: [20111026-IR-326100733FRA](#); errata filed Dec 6, 2011, 11:02 a.m.: [20111221-IR-326110743ACA](#); filed Aug 1, 2014, 10:53 a.m.: [20140827-IR-326130501FRA](#))

SECTION 8. [326 IAC 11-6-8](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-6-8](#) Reporting and record keeping requirements

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 8. (a) The owner or operator of a designated facility shall comply with the reporting and record keeping requirements in 40 CFR 60, Subpart Ec, Section 60.58c(b) through 60.58c(g)*, ~~as amended at 74 FR 51413, October 6, 2009,~~ and 76 FR 18413, April 4, 2011, excluding the following:

(1) 40 CFR 60, Subpart Ec, Section 60.58c(b)(2)(xviii) (bag leak detection system alarms)*. ~~as added at 74 FR 51413, October 6, 2009.~~

(2) 40 CFR 60, Subpart Ec, Section 60.58c(b)(2)(xix) (CO CEMS data)*. ~~as added at 74 FR 51413, October 6, 2009.~~

(3) 40 CFR 60, Subpart Ec, 60.58c(b)(7) (siting)*.

(b) The owner or operator of a designated facility shall maintain records of the annual equipment inspections that are required under section 7.1 of this rule, any required maintenance, and any repairs not completed within ten (10) days of an inspection.

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-6-8](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1966; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3080; filed Sep 28, 2011, 10:59 a.m.: [20111026-IR-326100733FRA](#); filed Aug 1, 2014, 10:53 a.m.: [20140827-IR-326130501FRA](#))

SECTION 9. [326 IAC 11-9-3](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 11-9-3](#) Requirements; incorporation by reference of federal standards

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 3. The ~~air pollution control~~ board incorporates by reference the following sections of 40 CFR 60, Subpart FFFF, Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units that Commenced Construction On or Before December 9, 2004:

- (1) 40 CFR 60.3000 through 40 CFR 60.3002 Compliance Schedule*.
- (2) 40 CFR 60.3010 through 40 CFR 60.3012 Waste Management Plan*.
- (3) 40 CFR 60.3014 through 40 CFR 60.3020 Operator Training and Qualification*.
- (4) 40 CFR 60.3022 through 40 CFR 60.3025 Emission Limitations and Operating Limits*. ~~as amended by 74 FR 67806 (November 24, 2006)*.~~
- (5) 40 CFR 60.3027 and 40 CFR 60.3028 Performance Testing*.
- (6) 40 CFR 60.3030 and 40 CFR 60.3031 Initial Compliance Requirements*.
- (7) 40 CFR 60.3033 through 40 CFR 60.3036 Continuous Compliance Requirements*.
- (8) 40 CFR 60.3038 through 40 CFR 60.3044 Monitoring*.
- (9) 40 CFR 60.3046 through 40 CFR 60.3057 Record Keeping and Reporting*.
- (10) 40 CFR 60.3059 and 40 CFR 60.3060 Title V Operating Permits*.
- (11) 40 CFR 60.3061 Temporary-Use Incinerators and Air Curtain Incinerators Used in Disaster Recovery*.
- (12) 40 CFR 60.3062 through 40 CFR 60.3069 Air Curtain Incinerators that Burn Only Wood Waste, Clean Lumber, and Yard Waste*.
- (13) 40 CFR 60.3076 Equations*.
- (14) 40 CFR 60.3078 Definitions*.
- (15) 40 CFR 60, Subpart FFFF, Tables 1 through 5*, as amended by 71 FR 67806 (November 24, 2006)*.

*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol, Washington, D.C. 20401 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 11-9-3](#); filed Jul 10, 2007, 2:19 p.m.: [20070808-IR-326060437FRA](#); filed Aug 1, 2014, 10:53 a.m.: [20140827-IR-326130501FRA](#))

SECTION 10. [326 IAC 20-95-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 20-95-1](#) Applicability; incorporation by reference of federal standards

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) This rule applies to sources as provided in ~~the July 1, 2010, edition of~~ 40 CFR 63.7485*.

(b) The ~~air pollution control~~ board incorporates by reference ~~the July 1, 2010, edition of~~ 40 CFR 63, Subpart DDDDD*, national emission standards for hazardous air pollutants for industrial, commercial, and institutional boilers and process heaters.

(c) Owners and operators may use the emission averaging provisions as specified under ~~the July 1, 2010, edition of~~ 40 CFR 63.7522*.

(d) Under [326 IAC 3-6](#), source sampling procedures, a test protocol form for an emissions test is due thirty-five (35) days before the intended test date.

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, **Legal Counsel**, Indiana Government Center North, ~~Tenth~~ **Thirteenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 20-95-1](#); filed Nov 16, 2006, 4:04 p.m.: [20061213-IR-326050023FRA](#); filed Mar 28, 2012, 12:51 p.m.: [20120425-IR-326110472FRA](#); filed Aug 1, 2014, 10:53 a.m.: [20140827-IR-326130501FRA](#))

LSA Document #13-501(F)

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#): [20131120-IR-326130501FDA](#)

Hearing Held: April 9, 2014

Approved by Attorney General: July 21, 2014

Approved by Governor: July 30, 2014

Filed with Publisher: August 1, 2014, 10:53 a.m.

Documents Incorporated by Reference: 29 CFR, July 1, 2013; 40 CFR, July 1, 2013

Small Business Regulatory Coordinator: Jessica Faust-Hamblin, IDEM Small Business Regulatory Coordinator, IGCN 1225, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 232-8172 or (800) 988-7901, ctap@idem.in.gov

Small Business Assistance Program Ombudsman: Steven N. Howell, IDEM Small Business Assistance Program Ombudsman, IGCN 1301, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 232-8587 or (800) 451-6027, snhowell@idem.in.gov

Posted: 08/27/2014 by Legislative Services Agency

An [html](#) version of this document.